

REMARKS

By this amendment, claims 1-30 are pending, in which no claim is canceled, amended, or newly added.

The Office Action mailed December 15, 2005 rejected claims 1, 4-6, 9-11, 14-16, 19-21, 24-26, 29, and 30 under 35 U.S.C. § 102(e) as anticipated by *Lowrey et al.* (US 6,611,740 B2), and claims 2, 3, 7, 8, 12, 13, 17, 18, 22, 23, 27, and 28 as obvious under 35 U.S.C. § 103(a) based on *Lowrey et al.* in view of *King et al.* (US App. Pub. 2003/0011511 A1).

Applicants respectfully traverse the rejections on the merits because in Applicants' view, the present invention patentably defines over the applied art, as next discussed.

Independent claims 1, 6, 11, 16, 21, and 26 recite "wherein the schedule activation information specifies **activation of the schedule based upon a state of the input interface.**"

The Office Action, on page 2, makes a cursory attempt at satisfying the above feature by applying *Lowrey et al.* (col. 2: 5-6; col. 4: 46-49) and stating, "[t]he schedule is activated and data is transmitted when the vehicle is running." The cited passages discloses the following:

In this way, the invention collects data similar to those collected by scan tools, only they are collected in real-time while the vehicle is actually being driven," (col. 2: 4-6)

Moreover, data from the vehicle can be queried and analyzed while the vehicle is actually in use to provide a relatively comprehensive diagnosis that is not possible using a conventional scan tool," (col. 4: 46-49).

The above passages disclose, in general terms, that data transmission can occur while the vehicle is being operated. However, at no point does *Lowrey et al.* suggest that transmission occurs because the vehicle is being operated, much less "activating a schedule based upon a state of the input interface."

Furthermore, Applicants' study of the reference reveals that the *Lowrey et al.* system (col. 6: 8-22) includes a wireless appliance 13 disposed within the vehicle 12 that collects diagnostic

data from the vehicle's engine computer 15. The engine computer 15 retrieves data stored in its memory and sends it along a cable 16 to the wireless appliance 13. The appliance 13 typically connects to the OBD-II connector located under the dash in all vehicles manufactured after 1996. It includes a data-collection component (not shown in the figure) that formats the data in a packet and then passes the packet to a data-transmission component, which sends it through a cable 17 to an antenna 14. To generate the data, the wireless appliance 13 queries the vehicle's computer 15 at a first time interval (e.g. every 20 seconds), and transmits a data set at a longer time interval (e.g. every 10 minutes). These time intervals are specified in a data-collection "schema."

With respect to this schema, *Lowrey et al.* describes (col. 2: 63-col. 3: 5) that the communication software supported by the data-collection component features a schema component that identifies the diagnostic data to be collected from the vehicle's computer. The schema component features an address that describes a location of a diagnostic datum in the vehicle's computer memory. It can also describe a time or frequency that the data-collection component collects data from the vehicle's computer, or a time or frequency that the data-transmission component transmits an outgoing data packet.

At best, *Lowrey et al.* describes that the appliance 13 collects data according to a schema, which includes a time or frequency of the collection. However, this falls short of the claim feature of "wherein the schedule activation information specifies **activation of the schedule based upon a state of the input interface.**"

As anticipation under 35 U.S.C. § 102 requires that each and every element of the claim be disclosed in a prior art reference, based on the foregoing, it is clear that *Lowrey et al.* fails to anticipate independent claims 1, 6, 11, 16, 21, and 26. Accordingly, these independent claims, along with claims 4, 5, 9, 10, 14, 15, 19, 20, 24, 25 and 30 depending correspondingly therefrom, are in condition for allowance.

As for the obviousness rejection of claims 2, 3, 7, 8, 12, 13, 17, 18, 22, 23, 27 and 28, the secondary reference of *King et al.* does not cure the deficiencies of *Lowrey et al.* *King et al.* is relied upon for a supposed teaching of “mobile device originating a location request from the reference network server, receiving the location assistance data and calculating its own location” (Office Action, page 5). Thus, a *prima facie* case of obviousness has not been established, and Applicants request withdrawal of the obviousness rejection.

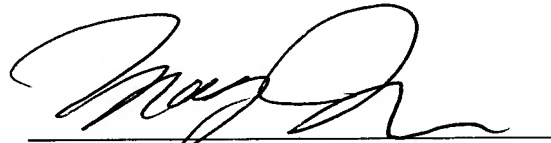
Therefore, the present application, as amended, overcomes the rejections of record and is in condition for allowance. Favorable consideration is respectfully requested. If any unresolved issues remain, it is respectfully requested that the Examiner telephone the undersigned attorney at (703) 425-8508 so that such issues may be resolved as expeditiously as possible.

Respectfully Submitted,

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Date



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